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OFFICE OF PETITIONS

In re Application of
Lars Langemyr et al.
Application No. 09/995,222
Filed: November 27, 2001
Attorney Docket No. 801939/111

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed November 6, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 7, 2007. A Notice of Abandonment was mailed on August 30, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, \$ 790.00 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of \$1,500.00, and (3) a proper statement of unintentional delay.

Since the \$1,500 fee for the petition and the \$790.00 fee for the RCE were paid along with the petition filed May 8, 2007, no other fees are necessary. The fees in the amounts of \$1,500.00 and \$790.00 applied on September 14, 2007 will be credited to petitioner's deposit account.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020 extension of time fee submitted with the petition on September 14, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2123 for processing the RCE and for appropriate action by the Examiner in the normal course of business on the reply received September 14, 2007.

A handwritten signature in cursive script that reads "Frances Hicks". The signature is written in black ink and is positioned above the printed name.

Frances Hicks
Petitions Examiner
Office of Petitions